

Health & Human Services and Public Safety Committee Agenda

Tuesday, September 25, 2018, 5:30pm

Room 24, City Hall

Councilor Belinda Ray, District 1, Chair

Councilor Brian Batson, District 3

Councilor Pious Ali, At-Large

1. Announcements
2. City Staff Answers To Committee Questions On Paid Sick Leave.

Documents:

[2018-09-06 MEMO ON PAID SICK LEAVE \(1\).PDF](#)
[2018-09-11 SICK LEAVE ORDINANCE \(COMMITTEE REDLINE\) \(1\).PDF](#)
[CHART-AND-OVERVIEW-OF-PAID-SICK-TIME-LAWS-IN-THE-US-MAY-2018 \(3\).PDF](#)

3. Next Meeting: October 9, 2018

NOTE: Since there are no action items on the agenda, there will be no opportunity for public comment at this meeting. Please feel free to send comments to members of the committee on any issue at any time via email. Councilors email addresses are available on the city website: www.portlandmaine.gov

The meeting can be watched online via livestream: www.portlandmaine.gov/livestream

Keep up to date with the new shelter design and planning process at the City's and Bayside Neighborhood Association's websites:

www.portlandmaine.gov/shelterplanning

<https://baysideportland.org/category/shelter/>

MEMORANDUM

TO: Health and Human Services and Public Safety Committee; Mayor Strimling

FROM: Gina Tapp, Brendan O'Connell, Anne Torregrossa

DATE: September 6, 2018

RE: Additional information regarding proposed paid sick leave ordinance

At the last committee meeting considering the proposed paid sick leave ordinance, the Committee made some revisions to the proposed ordinance and asked for additional information. The most recent red-lined version of the ordinance is attached, and the answers to the Committee's questions are below.

I. Exemptions for Health Care Workers

The Committee requested some examples of language from other jurisdictions exempting health care workers from paid sick leave.

A. Rhode Island

Rhode Island has an exemption for, "Any employee licensed to practice nursing pursuant to chapter 34 of title 5 is not subject to the provisions of this chapter if the employee:

- (1) Is employed by a health care facility;
- (2) Is under no obligation to work a regular schedule;
- (3) Works only when he or she indicates that he or she is available to work and has no obligation to work when he or she does not indicate availability; and
- (4) Receives higher pay than that paid to an employee of the same health care facility performing the same job on a regular schedule."

B. Vermont

The definition of employee in the Vermont legislation does not include, "An employee of a health care facility . . . if the employee only works on a per diem or intermittent basis." Health care facility is defined as:

all persons or institutions, including mobile facilities, whether public or private, proprietary or not for profit, which offer diagnosis, treatment, inpatient, or ambulatory care to two or more unrelated persons, and the buildings in which those services are offered. The term shall not apply to any institution operated by religious groups relying solely on spiritual means through prayer for healing, but shall include:

- (A) hospitals, including general hospitals, mental hospitals, chronic disease facilities, birthing centers, maternity hospitals, and psychiatric facilities including any hospital conducted, maintained, or operated by the State of Vermont, or its subdivisions, or a duly authorized agency thereof;

(B) nursing homes, health maintenance organizations, home health agencies, outpatient diagnostic or therapy programs, kidney disease treatment centers, mental health agencies or centers, diagnostic imaging facilities, independent diagnostic laboratories, cardiac catheterization laboratories, radiation therapy facilities, or any inpatient or ambulatory surgical, diagnostic, or treatment center.

It also includes “a residential care home, nursing home, assisted living residence, home for persons who are terminally ill, or therapeutic community residence” that is required to be licensed by the state.

C. *Washington D.C.*

Washington D.C.’s definition of employee does not include, “a healthcare worker who choose[s] to participate in a premium pay program.” Premium pay program means “a plan offered by an employer pursuant to which an employee may elect to receive extra pay in lieu of benefits.” Healthcare worker is not defined.

II. Maximum Amounts of Sick Leave Use and/or Accrual per Year

The Committee asked for legislative history from other jurisdictions showing the rationale for jurisdictions’ caps on the amount of sick leave an employee could accrue and/or use. The majority of jurisdictions cap the amount of paid sick time that can be used in any given year at 40 hours. The notable exception is California, where the state caps it at 24 hours, but many local jurisdictions cap the amount at 72 hours. Some jurisdictions have varied caps, depending on the number of employees.

Unfortunately, the available legislative history in most jurisdictions does not delve into the specifics of the number of hours chosen. However, the following information might be relevant to the Committee’s decisions.

- *California* – California currently allows an employer to cap the amount of paid sick time a worker can use each year at 24 hours or 3 days. Legislation earlier this year proposed to increase that to 40 hours or 5 days. Testimony in support of this increase cited to CDC information that employees with the severe flu needed at least one week to recover. Opponents cited to increased costs. This proposal died in committee.
- *Oregon* – A few commenters suggested changing the accruals to equal to 40 hours of sick leave a year to match a standard work week.
- *Vermont* – The Vermont bill provides for a phased-in approach, where employers have to provide 24 hours of leave for the first two years and then 40 hours thereafter. The legislature did extend these deadlines during the legislative process to allow businesses “flexibility.”

III. Wait Time to be Eligible for Paid Sick Leave

The most common waiting period for an employee to be allowed to take any accrued sick leave is 90 days, although Vermont has a waiting period of one year, Connecticut has a waiting period of 680 hours, and Rhode Island has a waiting period of 150 days.

Again, there is not much legislative history reflecting specifically on this waiting period. The only commentary I found was from a business owner in Oregon who suggested a 180 minimum work period to match the state family medical leave act and to allow for temporary and seasonal help without being subject to the law.

IV. Exemptions for Employees Covered by Collective Bargaining Agreements

The exemptions for employees covered by a CBA vary widely from jurisdiction to jurisdiction. Some do not have any exemption, some exempt only those in the construction industry covered by a CBA, some provide an exemption for employees covered by a CBA only where that CBA explicitly waives the members' rights under the relevant paid sick leave law, and a few exempt all employees covered by a CBA.

It appears that the logic behind these exemptions is giving unions the ability to determine the value of paid sick leave in the context of negotiations. If it makes sense to bargain away paid sick time in exchange for a benefit that is perceived as more valuable, then some laws give unions that flexibility. Reflecting this notion, one commenter from Oregon testified that the legislature should "make it so that essentially any collective bargaining agreement that address sick leave or paid time off in any manner make those employees exempt from the bill. Union members need to be able to negotiate their benefit packages with minimum interference from the government"

V. City Examples of Per Diem Employees

The City uses per diem and on call employees in the following positions:

- Shelter attendants - We schedule per diem staff ahead of time on an "as needed" basis, depending on projected numbers and sites to cover), and call them in to work when spots (shifts) are open. If a per diem employee calls out sick, they try to replace them with another per diem employee, unless that shift would leave to overtime, in which case they then call in a regular, full-time Shelter Attendant. Per diem employees are not paid for any hours they lost due to being out sick.
- Registered Nurses and Certified Nursing Assistants – Per diem RNs and CNAs help supplement our regular nursing staff at the Barron Center. If a regular employee calls out sick, they call in one of the per diem employees. There is a minimum obligation for the per diem staff to be available to work for two weekend shifts per month. If a per

diem employee calls in sick after being scheduled to work a shift, they go back to the list of per diem employees and try to fill the shift. The per diem employee who called in sick does not get paid for the hours they lost due to being out sick.

- Event Staff – We use on call event staff as cashiers and concession workers. Most of these positions are on-call status, as event schedules vary.
- Election Workers – Election workers are considered on call and are only used as needed.
- Restaurant Employees – Many of our restaurant employees are on call, and their shifts vary from week to week.
- Barron Center Support Team Workers – We have some on-call support team workers in housekeeping and in the kitchen who supplement the regular, full-time support team workers as needed to fill vacancies, vacations, sick days, etc.
- Dispatchers – We have a few on call dispatchers who fill in for full time dispatchers, as needed.

Many of our per diem, seasonal, and on-call employees often work these non-scheduled, "work when you can" types of schedules because they are either 1) already work another regular job, and the job with the City is just to supplement their income, or 2) they are students or retired and only want to work a very light schedule, and on their terms (i.e., when they want to work). For our Shelter Attendants, we see that most of our regular hires come from our per diem pool, which shows us that in that work setting, a foot in the door is usually to come on as a per diem employee, then eventually get hired on as a regular employee.

VI. Impact to the City if Recreation and Child Care Workers Were Exempt

The City does employ a large number of non-permanent employees in our Parks & Recreation programs. They are more seasonal, on-call, and contractual employees. If these categories of workers continued to be exempt from required paid sick leave the cost increases expected to result from the ordinance (approximately \$42k within the Parks and Recreation Department per Finance Department memo as updated 6/22/18) would not be incurred. The risk of revenue loss in recreational programs where replacement staff is not always guaranteed would also be reduced. Seasonal, on-call and contractual employees are not provided with any sick leave benefits currently, so an exemption moving forward would be a continuation of existing practice. If an on-call employee cannot work a shift, they simply refuse that shift (without no explanation or doctor's note required) and the City would move on to the next employee on the on-call list.

VII. City's Treatment of Seasonal Camp Workers

The City's seasonal, summer camp workers are terminated each year at the end of their season then re-hire them the following year at the start of their season.

VIII. Examples of Per Diem Employees at Other Employers in Portland

Most healthcare facilities rely on per diem employees to fill shifts. Child care facilities also routinely use per diem employees, and the school systems use substitute teachers on a per diem basis.

1. Definitions

The following definitions shall apply for purposes of this Article:

Child shall mean a biological, adopted, or foster child of the employee; stepchild or legal ward of the employee; child of a domestic partner of the employee; or a child for whom the employee stands *in loco parentis*.

Earned paid sick time shall mean paid sick time accrued and awarded pursuant to section X.

Employee shall have the same meaning as in Sec. 33.2 of this Code.

Employer shall have the same meaning as in Sec. 33.2 of this Code.

Family member shall mean a child, grandchild, sibling, spouse, domestic partner, parent, or grandparent of an employee; a spouse or domestic partner of a parent or grandparent of the employee; a sibling of a spouse or domestic partner of an employee; or any other person related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.: (A) Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor; (B) A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child; (C) A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision; (D) A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or domestic partner; (E) A person for whom the employee is responsible for providing or arranging care, including but not limited to helping that individual obtain diagnostic, preventive, routine or therapeutic health treatment; or (F) Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Health care professional shall have the same meaning as in 26 M.R.S. § 843.

Parent shall mean a biological, adoptive, or foster parent of the employee or employee's spouse or domestic partner; a stepparent or legal guardian of the employee or employee's spouse or domestic partner; or a person who stood *in loco parentis* of the employee or the employee's spouse or domestic partner when that person was a minor child.

Sibling shall mean a biological, foster, or adopted sibling of an employee.

Spouse means a husband or wife.

Year shall mean a regular and consecutive 12-month period as determined by the employer.

2. Accrual of Earned Paid Sick Time

(a) All employees shall accrue a minimum of one hour of earned paid sick time for every 30 hours of worked, up to a maximum accrual of 48 hours in one year. Hours worked shall not include vacation, sick, or other time for which an employee is paid but no actual work is performed.

1. Employees who are exempt from overtime requirements under the Fair Labor Standards Act will be deemed to work 40 hours in each work week for purposes of earned paid sick time accrual, unless their normal work week is less than 40 hours, in which case earned paid sick time accrues based upon that normal work week.
2. Employees shall begin to accrue earned paid sick time at the commencement of employment or on the date this law goes into effect, whichever is later.
3. Accrued paid sick time shall be awarded and available for use no more than eight days after it is accrued. Alternatively, an employer may award paid sick time in advance of accrual in an amount anticipated to be accrued over a year's time.

(b) Earned paid sick time shall not be automatically forfeited with the passage of time, unless the employer has a policy to pay the employee for any remaining sick time at set intervals of not less than one year.

1. However, employers may set a cap on the amount of earned paid sick time that an employee can accrue, which cap may not be less than X hours.
2. NHowever, nothing in this Article shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement or other separation from employment for accrued earned paid sick time that has not been used.

(c) If an employee is transferred to a separate division, entity or location, but remains employed by the same employer, the employee is entitled to all earned paid sick time accrued at the prior division, entity or location and is entitled to use all earned paid sick time as provided in this section. When there is a separation from employment and the employee is rehired within two months of separation by the same employer, previously accrued earned paid sick time that had not been used shall be reinstated. Further, the employee shall be entitled to use accrued earned paid sick time and accrue additional

earned paid sick time at the re-commencement of employment.

(d) When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor employer are entitled to all earned paid sick time they accrued when employed by the original employer, and are entitled to use earned paid sick time previously accrued.

(e) At its discretion, an employer may loan earned paid sick time to an employee in advance of accrual by such employee.

(f) Any employer that has a paid leave policy that makes available an amount of paid leave sufficient to meet the accrual requirements of this section, and allows that paid leave to be used for the same purposes and under the same conditions as earned paid sick time under this ordinance, is not required to provide additional paid sick time. This exception applies regardless of how the paid leave is designated, including “sick leave,” “paid time off,” or otherwise. If an employer has a policy that does not distinguish between sick leave and other types of leave, the employer need not track the actual reasons for leave, so long as leave is available for the same purposes and under the same conditions as earned paid sick time under this ordinance.

3. Use of Earned Paid Sick Time

- (a) Employees may use earned paid sick time for any of the following:
1. Job protected leave provided pursuant to the Maine Employment Leave for Victims of Violence statute;
 2. Leave for an employee’s mental or physical illness, injury, or health condition; an employee’s need for medical diagnosis, care or treatment of a mental or physical illness, injury, or health condition; or an employee’s need for preventative medical care;
 3. Leave for care of a family member’s mental or physical illness, injury, or health condition; an employee’s need for medical diagnosis, care or treatment of a mental or physical illness, injury, or health condition; or an employee’s need for preventative medical care; or
 4. Leave to attend a school meeting necessitated by the family member’s health condition or disability; or
 5. Leave to attend aor meeting at a place where a family member is receiving care necessitated by the family member’s health condition or disability.

(b) Earned paid sick time may be used in the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time.

(c) If an employee uses earned paid sick time for an entire day or shift, earned paid sick time must be paid for the hours the employee was otherwise scheduled to work.

(d) Employees may not use more than 48 hours of earned paid sick time in a year, unless the employer selects a higher limit.

4. Procedures for Taking Earned Paid Sick Time

(a) Earned paid sick time shall be provided upon the request of an employee.

1. An employer may not require more than five days' notice for an employee to use earned paid sick time, when the need is foreseeable.
2. When the need for use of earned paid sick time is not foreseeable, an employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case
3. An employer that requires notice of the need to use earned paid sick time shall provide a written policy that contains procedures for the employee to provide notice. An employer that has not provided to the employee a copy of its written policy for providing such notice shall not deny earned paid sick time to the employee based on non-compliance with such a policy.
4. When the use of earned paid sick time is foreseeable, the employee shall make a good faith effort to provide notice of the need for such time to the employer in advance of the use of the earned paid sick time and shall make a reasonable effort to schedule the use of earned paid sick time in a manner that does not unduly disrupt the operations of the employer.

(b) An employer may not require, as a condition of an employee's taking earned paid sick time, that the employee search for or find a replacement worker to cover the hours during which the employee is using earned paid sick time.

(c) For earned paid sick time of three or more consecutive work days, an employer may require reasonable documentation that the earned paid sick time has been used for a purpose covered by **Sec. X(a)(2)** through (a)(4). An employer may not require that the documentation explain the nature of the reasons for leave. However, nothing in this section shall be construed to limit an employer's rights with respect to documentation of leave allowed under state or federal law.

1. Documentation signed by a health care professional indicating that earned

paid sick time is necessary shall be considered reasonable documentation for purposes of this section.

2. If an employer requires documentation of the reasons for taking earned paid sick time, the employer is responsible for paying the employee's out-of-pocket costs for obtaining such documentation.

5. Exercise of Rights Protected; Retaliation Prohibited

(a) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Article.

(b) It shall be unlawful for an employer or any other person to retaliate against an employee for exercising his or her rights under this Article, including requesting or using earned paid sick time; filing a complaint or otherwise complaining about an employer's alleged violation of this Article; participating in an investigation or other proceeding under this Article; or informing others of their rights under this Article.

(c) It shall be unlawful for an employer's absence control policy to count earned paid sick time taken under this Act as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action. However, nothing in this Article shall be construed to prohibit an employer from taking disciplinary action against an employee who uses earned paid sick time for purposes other than those described in this Article.

(d) Protections of this section shall apply to any person who mistakenly but reasonably alleges a violation of this Article.

6. Notice of Rights

(a) Employers shall both display a poster notifying employees of their rights under this Article, and give employees written notice at the commencement of employment or the effective date of this ordinance, whichever is later. The poster and notice shall be consistent with this section.

(b) The notice and poster shall contain the following information: that employees are entitled to earned paid sick time and the amount of earned paid sick time; the terms of its use guaranteed under this Act; that retaliation is prohibited; that each employee has the right to file a complaint or bring a civil action if earned paid sick time as required by this Act is denied by the employer or the employee is subjected to retaliatory personnel action for requesting or taking earned paid sick time, and the contact

information for the City of Portland where questions about rights and responsibilities under this Act can be answered.

(c) The notice and poster shall be provided in English, Spanish, Somali, Chinese, Vietnamese, Russian, Croatian, French, Arabic, Polish, Acholi, Farsi, Dinka, Khmer, Creole and any language that is the first language spoken by at least 5% of the employer's workforce, provided that such notice has been provided created by the City of Portland.

(d) The City of Portland shall create and make available to employers, in all languages spoken by more than 5% of the City's workforce and any language deemed appropriate by the City of Portland, model notices and posters meeting the requirements of this section. This requirement may be satisfied by posting the model notices and posters on the City's website and making them available for download.

(e) The amount of earned paid sick time available to the employee, the amount of earned paid sick time taken by the employee to date in the year and the amount of pay the employee has received as earned paid sick time shall be recorded in, or on an attachment to, the employee's regular paycheck.

(f) An employer who willfully violates this section shall be subject to a civil fine in an amount not to exceed \$100 for each separate offense. Each day that an employer allows a violation of this section to continue shall be a separate offense.

7. Recordkeeping Requirements

(a) Employers shall retain records documenting hours worked by employees and earned paid sick time earned and taken by employees for a period of six (6) years.

(b) Employers shall allow the City of Portland access to the records required by this section, with appropriate notice and at a mutually agreeable time.

(c) When an issue arises as to an employee's entitlement to earned paid sick time under this Article, if the employer has not maintained adequate records required by this section, or does not allow the City of Portland reasonable access to such records, it shall be presumed that the employer has violated this Article, absent clear and convincing evidence otherwise.

8. Enforcement

(a) Enforcement.

1. The City Manager or his/her designee shall enforce the provisions of this ordinance.

2. The City Manager shall adopt rules and regulations for the proper administration and enforcement of this ordinance.

(b) Complaint Process

1. Any Employee, including, but not limited to, a Service Employee, alleging a violation of this ordinance may file a written complaint with the City Manager's office.
2. The City Manager or his or her designee may investigate and issue a response to the complaint within fifteen (15) work days following the receipt of a complaint. The City Manager's or his or her designee's response to the complaint shall be final.
3. If the City Manager finds that a violation of this chapter has occurred, he or she may order any and all appropriate relief including, but not limited to, three times the amount of any back wages withheld and the payment of not less than \$100.00 to the employee as a penalty for each day that a violation of this chapter has occurred. If a violation occurred but did not result in wages being withheld, such as in the case of an employee who worked after being unlawfully denied permission to use earned paid sick time, appropriate relief shall include an additional amount of two times what the employee was paid.
4. A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of section 1-15 of this Code.

(c) Private Cause of Action.

1. Any Employee, including, but not limited to, a Service Employee, the City or any person aggrieved by a violation of this ordinance may bring an action in a Court of competent jurisdiction against the Employer for any and all violations of this ordinance, including, but not limited to, wages owed under this ordinance. Such action may be brought by a person aggrieved by a violation of this section without first filing a complaint with the City Manager. Actions brought pursuant to this section may be brought as a class action pursuant to the laws of Maine.
2. Upon a judgment being rendered in favor of any employee(s), in any action brought pursuant to this ordinance, such judgment shall include, in addition to the wages adjudged to be due and any penalties assessed, any and all costs of suit including, but not limited to, reasonable attorney's fees.
3. Where applicable, remedies shall also include equitable relief, including reinstatement and back pay, and injunctive relief.
4. The City of Portland shall annually report on the City of Portland website the number and nature of the complaints received pursuant to this ordinance, the

results of investigations undertaken pursuant to this ordinance, including the number of complaints not substantiated and the number of notices of violations issued, the number and nature of adjudications pursuant to this ordinance, and the average time for a complaint to be resolved pursuant to this chapter.

9. Confidentiality and Nondisclosure

If an employer possesses health information or information pertaining to domestic violence, sexual assault, harassment or stalking about an employee or employee's family member, such information shall be treated as confidential and not disclosed except to the affected employee, with the permission of the affected employee, as required for the administration of the leave, or as otherwise required by law.

10. Encouragement of More Generous Earned Paid Sick Time Policies; No Effect on More Generous Policies or Laws

(a) Nothing in this Act shall be construed to discourage or prohibit an employer from the adoption or retention of an earned paid sick time policy more generous than the one required herein.

(b) Nothing in this Act shall be construed as diminishing the obligation of an employer to comply with any law, regulation, contract, collective bargaining agreement, employment benefit plan, or other agreement providing more generous paid sick time to an employee than required herein.

11. Public Education and Outreach

The City of Portland shall develop and implement a multilingual outreach program to inform employees about the availability of earned paid sick time under this ordinance. This program shall include the distribution of notices and other written materials in English, and well as Spanish, Somali, Chinese, Vietnamese, Russian, Croatian, French, Arabic, Polish, Acholi, Farsi, Dinka, Khmer, Creole to all child care and elder care providers, domestic violence shelters, schools, hospitals, community health centers and other health care providers.

12. Regulations

The city manager, or his or her designee, shall be authorized to coordinate implementation and enforcement of this Article and shall promulgate appropriate guidelines or regulations

for such purposes.

13. Severability

If any provision of this Act or application thereof to any person or circumstance is judged invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.

14. Effective Date

This Act will take effect on July 1, 2018.

Overview of Paid Sick Time Laws in the United States

In the United States, 9 states, 30 cities, 2 counties, and Washington D.C. have paid sick time laws on the books. This document provides an overview and comparison of these 42 laws, with the exceptions of the paid sick time laws recently passed in Maryland and in Austin, Texas.¹ We are currently developing a digital, user-friendly version of this chart that will cover all 42 laws. In the meantime, information about Maryland and Austin’s laws can be found in Section IV of this document (“Additional Paid Sick Time Laws”).

Section I provides a comparison of paid sick time laws that are—or will soon be—in effect at the statewide level (with the exception of Maryland’s law), as well as Washington D.C.’s law.

Section II provides a comparison of the seven local paid sick time laws that are—or will soon be—in effect in California.

Section III provides a comparison of paid sick time laws that are—or will soon be—in effect at the county and city level, with the exceptions of Austin, Texas, and the seven California cities in Section II.

Section IV provides a brief overview of the paid sick time laws in Maryland and Austin, Texas, and additional paid sick time laws that are narrower than the ones covered in this chart.

I. Statewide and Washington D.C.’s Paid Sick Time Laws

| | Connecticut | California ² | Massachusetts | Oregon ³ | Washington D.C. | Vermont ⁴ | Arizona | Washington State ⁵ | Rhode Island ⁶ |
|--|--|--|---|--|---|--|--|---|---|
| Who is covered? | Hourly workers in certain “service” occupations in Connecticut are covered, if they work for a business with 50 or more workers. For the full list of which professions are covered “service” occupations, go to www.ctdol.state.ct.us/vgwkstnd/SickLeaveLaw.htm and look at the definition of “service worker” (Sec. 31-57r(7)). Certain manufacturers and non-profit organizations are exempted, as are temporary and day laborers. | Workers employed in California for 30 or more days a year after commencement of employment are covered. Flight deck/cabin crews subject to Railway Labor Act with comparable paid time off are exempted. Workers who provide in-home supportive care are exempted until July 1, 2018, at which point they will be able to accrue paid sick time (subject to specific usage and carryover provisions). ² | Workers employed in Massachusetts are covered. Workers employed by cities and towns are only covered if the law is accepted by vote or appropriation as provided in the State Constitution. | Workers employed in Oregon are covered. Independent contractors, certain work study students, certain railroad workers, and individuals employed by their parent, spouse, or child are exempted. | Workers employed by an employer within Washington, D.C are covered. The following individuals are exempted: independent contractors; students; health care workers choosing to participate in a premium pay program; unpaid volunteers engaged in the activities of an educational, charitable, religious, or nonprofit organization; and casual babysitters. | Workers employed by an employer in Vermont for an average of no less than 18 hours per week during a year are covered. The following individuals are exempted: workers under 18 years of age; workers employed for 20 or fewer weeks in a year in a job scheduled to last 20 or fewer weeks; certain State workers excluded from the State classified service; certain employees who work on a per diem or intermittent basis at a health care or long-term care facility; certain per diem or intermittent workers who only work when indicating availability, have no obligation to accept the work, and have no expectation of continued employment; certain substitute educators for a school district or supervisory district/union if under no obligation to work a regular schedule or period of long-term (30 or more consecutive school days) substitute coverage; and certain sole proprietors/partner owners of an unincorporated business. | Workers employed by an employer in Arizona are covered. State government workers, but not local government workers, are exempted. Individuals employed by a parent or a sibling and individuals performing babysitting services in the employer’s home on a casual basis are also exempted. | Workers employed by an employer in Washington are covered. Workers exempt from the state minimum wage law are also exempt from the paid sick time law. See http://www.lni.wa.gov/workplacerghts/files/policies/esa1.pdf for a detailed list of exemptions. | Workers employed in Rhode Island are covered. Independent contractors, subcontractors, work study participants, apprenticeships and interns; certain employees licensed to practice nursing, and state and municipal workers are exempted. Workers exempt from the state minimum wage law are also exempt from the paid sick time law. See http://websvr.rilin.state.ri.us/statutes/TITLE28/28-12/28-12-2.HTM for a detailed list of exemptions. |
| Can sick time be used to care for loved ones? | Yes: children and spouses | Yes: children; parents; grandchildren; grandparents; spouses; registered domestic partners; parents of a spouse or domestic partner; and siblings | Yes: children; spouses; parents; or parents of a spouse | Yes: children; spouses; same-sex domestic partners; parents; parents of a spouse or same-sex domestic partner; grandparents; and grandchildren | Yes: children; grandchildren; spouses of children; siblings; spouses of siblings; parents; parents of a spouse/domestic partner; spouses; registered domestic partners; and a person with whom the worker has a committed (mutual, familial) relationship and has shared a mutual residence for at least the preceding 12 months | Yes: children; parents; parents-in-law; grandparents; spouses; grandchildren; and siblings | Yes: children; parents; parents of a spouse or registered domestic partner; spouses; registered domestic partners; grandparents, grandchildren, or siblings (of the employee or the employee’s spouse/registered domestic partner); and any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship | Yes: children; parents; parents of a spouse or registered domestic partner; spouses; registered domestic partners; grandparents; grandchildren; and siblings | Yes: children; parents; spouses; parents-in-law; grandparents; grandchildren; domestic partners (broadly defined); siblings; care recipients; and members of the worker’s household. A “care recipient” is any person for whom the worker is responsible for providing or arranging health or safety related care. |
| How is “child” defined? | Biological, foster, or adopted children, stepchildren, legal wards, or the child of a worker standing in loco parentis to the child. The child must be under 18 or incapable of self-care because of a mental/physical disability. | Biological, adopted, or foster child, stepchild, legal ward, or the child of a worker standing in loco parentis to the child | Biological, adopted, or foster child, stepchild, a legal ward, or a child of a person who has assumed the responsibilities of parenthood | Biological, adopted, or foster child, or a child of a worker standing in loco parentis to the child. According to current regulations in Oregon, this definition of child also includes a stepchild or the child of a same-sex domestic partner. | Biological children, foster children, grandchildren, or a child who lives with the worker and for whom the worker permanently assumes and discharges parental responsibility | Undefined. The law specifically covers care of a child or foster child. | Biological, adopted or foster children, stepchildren or legal wards, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor | Biological, adopted, or foster children, stepchildren, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status | Biological, adopted, or foster child, stepchild, legal ward, a child of a domestic partner, or a child of a worker standing in loco parentis to the child |



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| | Connecticut | California ² | Massachusetts | Oregon ³ | Washington D.C. | Vermont ⁴ | Arizona | Washington State ⁵ | Rhode Island ⁶ |
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| Can sick time be used for specific “safe time” purposes (related to domestic violence, sexual assault, or stalking)? (See endnote 16.) | Yes, but only when the worker is the victim | Yes, but only when the worker is the victim | Yes, but only when the worker or the worker’s dependent child is the victim | Yes, but only when the worker or the worker’s minor child or dependent is the victim | Yes, when the worker or the worker’s family member is the victim | Yes, when the worker or the worker’s family member is the victim | Yes, when the worker or the worker’s family member is the victim | Yes, when the worker or the worker’s family member (for safe time purposes: a child, spouse, parent, parent-in-law, grandparent, or person with whom the worker has a dating relationship) is the victim | Yes, when the worker or the worker’s family member is the victim. |
| Can sick time be used under the law to bond with a new child and/or deal with a family member’s death? (See endnote 17.) | No. | No. | No. | Yes: 1) to bond with a newborn, newly adopted, or newly placed foster child under age 18; or 2) to deal with the death of a family member (including to attend the funeral, grieve, make arrangements). | No. | No. | No. | No. | No |
| Can sick time be used when a worker’s place of work or child’s school/place of care is closed by public health officials for a public health emergency? | No. | No. | No. | Yes. | No. | Yes, for public health or safety reasons. | Yes. | Yes, when closed for any health-related reasons (not only public health emergencies). | Yes |
| Rate at which workers earn paid sick time? | 1 hour for every 40 hours worked | 1 hour for every 30 hours worked | 1 hour for every 30 hours worked (for both paid and unpaid sick time, as described below) | 1 hour for every 30 hours worked or 1 and 1/3 hours for every 40 hours worked (for both paid and unpaid sick time, as described below) | In businesses with 24 or fewer workers: 1 hour for every 87 hours worked. In businesses with 25-99 workers (and workers in a restaurant or bar with 1-99 workers who regularly receive tips to supplement a base wage below the minimum wage): 1 hour for every 43 hours worked. In businesses with 100 or more workers: 1 hour for every 37 hours worked | 1 hour for every 52 hours worked | 1 hour for every 30 hours worked | 1 hour for every 40 hours worked | 1 hour for every 35 hours worked (for both paid and unpaid sick time, as described below) |
| Amount of paid sick time that can be earned under the law per year? (Note: All of these paid sick time laws make it clear that these laws establish a <i>minimum</i> requirement, and employers can provide greater or more generous paid sick time benefits to their workers.) | Up to 40 hours of paid sick time a year | Employers may cap the amount of paid sick time a worker <i>earns</i> at 48 hours or 6 days. Employers may also cap the amount of paid sick time a worker can <i>use each year</i> at 24 hours or 3 days. | Workers in businesses with 11 or more workers: up to 40 hours of paid sick time a year. Workers in businesses with fewer than 11 workers: up to 40 hours of <i>unpaid</i> sick time a year | Larger businesses: Workers in businesses with at least 10 or more workers: up to 40 hours of paid sick time a year Employers located in Portland: If a business is located in Portland (including maintaining any office, store, restaurant, or establishment in the city) and has at least 6 workers anywhere in Oregon, workers have the right to earn up to 40 hours of paid sick time a year. Smaller businesses: Workers in businesses with fewer than 10 workers (or fewer than 6 workers if the business is located in Portland): up to 40 hours of <i>unpaid</i> sick time a year. Special rule for some home care workers: Certain home care workers who are hired directly by the client but whose compensation is funded in whole or part by payments from the State, county, or a public agency must receive up to 40 hours of paid time off a year (including but not limited to sick time). | Workers in businesses with 24 or fewer workers: up to 24 hours a year. Workers in businesses with 25-99 workers (and workers in a restaurant or bar with 1-99 workers who regularly receive tips to supplement a base wage below the minimum wage): up to 40 hours a year. Workers in businesses with 100 or more workers: up to 56 hours a year. The number of workers is determined by the average monthly number of full-time equivalents in the prior year. | From 1/1/2017 to 12/31/2018: Up to 24 hours a year. After 12/31/2018: Up to 40 hours a year. Note: new businesses will not be subject to the paid sick time law for a period of one year after hiring their first worker. | Workers in businesses with 15 or more workers: 40 hours. Workers in businesses with fewer than 15 workers: 24 hours. | No explicit cap on how much sick time can be earned or used in a year. However, as described below, employers are not required to allow a worker to carry over more than 40 hours of unused paid sick time a year. | In 2018, workers in businesses with 18 or more workers can earn up to 24 hours of paid sick time; workers in businesses with fewer than 18 workers can earn up to 24 hours of <i>unpaid</i> sick time. In 2019, workers in businesses with 18 or more workers can earn up to 32 hours of paid sick time; workers in businesses with fewer than 18 workers can earn up to 32 hours of <i>unpaid</i> sick time. Each year after 2019, workers in businesses with 18 or more workers can earn up to 40 hours of paid sick time; workers in businesses with fewer than 18 workers can earn up to 40 hours of <i>unpaid</i> sick time. |

| | Connecticut | California ² | Massachusetts | Oregon ³ | Washington D.C. | Vermont ⁴ | Arizona | Washington State ⁵ | Rhode Island ⁶ |
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| When do workers begin to earn paid sick time? | At the commencement of employment, but workers aren't entitled to use paid sick time until the 680th hour of employment. | At the commencement of employment, but workers aren't entitled to use paid sick time until the 90 th day of employment. As noted earlier, the law covers a worker when the worker, on or after July 1, 2015, works in California for more than 30 days within a year from the commencement of employment. | At the date of hire, but workers aren't entitled to use sick time until the 90th calendar day following commencement of employment. | At the commencement of employment or January 1, 2016, whichever is later. For a worker employed on the law's effective date of January 1, 2016, earned sick time may be used as it is earned. For workers who begin employment after the effective date of January 1, 2016, workers aren't entitled to use earned sick time until the 91st calendar day of employment with the employer. | At the commencement of employment, but workers aren't entitled to use paid sick time until after 90 days of service with his or her employer. | At the commencement of employment or when their employer becomes covered by the law, whichever is later, but workers can be required to wait up to 1 year before using their accrued paid sick time. See endnote 4 on page 6 for more. | At the commencement of employment or July 1, 2017, whichever is later. Earned paid sick time can be used as it is accrued, except that an employer may require a worker hired after July 1, 2017, to wait until the 90th calendar day after commencing employment before using accrued earned paid sick time. | Although not specified, reads as if accrual begins at the commencement of employment. Workers are entitled to use accrued paid sick time beginning on the 90th calendar day after the commencement of employment. | At the commencement of employment or July 1, 2018, whichever is later (for both paid and unpaid sick time). However, workers aren't entitled to use sick time until after 90 days of employment. Temporary workers are entitled to use sick time beginning on the 180th calendar day following commencement of their employment. Seasonal workers are entitled to use sick time beginning on the 150th calendar day following commencement of their employment. |
| Does unused sick time carry forward to the subsequent year? | Workers are entitled to carry forward up to 40 hours of unused paid sick time, but employers are not required to allow use of more than 40 hours of paid sick time a year. | Workers are entitled to carry forward unused paid sick time, but employers aren't required to allow use of more than 24 hours (or three days) of paid sick time per year. Carry forward is not required if the full amount of paid sick time (24 hours, or three days) is provided at the beginning of each year. | Workers are entitled to carry forward up to 40 hours of unused sick time, but employers aren't required to allow use of more than 40 hours of sick time a year. Per regulations, employers may choose to pay out workers up to 40 hours of unused sick time at the end of the year. If an employer pays out a worker for 16 hours or more of unused sick time, they must provide 16 hours of unpaid sick time up front in the new year; if they pay out less than 16 hours, they shall provide an equivalent amount of unpaid sick time up front in the new year. In either case, this unpaid sick time is replaced by paid sick time as the worker earns it. | Workers are entitled to carry forward up to 40 hours of unused sick time. An employer may adopt a policy: limiting the amount of sick time that can be earned to no more than 80 hours; or limiting use of sick time to no more than 40 hours a year. Carry forward is not required if the following elements are met: 1) the worker and the employer mutually agree not to carry forward the time; 2) the employer credits the worker with an amount of sick time that meets the law's requirements up front at the start of the subsequent year; <i>and</i> 3) if the employer has 10 or more workers in OR, the employer pays the worker for all unused paid sick time at the end of the year in which it is earned. | Per regulations, workers can carry forward unused paid sick time, but employers aren't required to allow use of more than: 56 hours of paid sick time a year (for businesses with 100 or more workers); 40 hours of paid sick time a year (for businesses with at least 25 and fewer than 100 workers—this presumably will also be the rule for tipped workers in a restaurant or bar with 1-99 workers); or 24 hours of paid sick time a year (for business with fewer than 25 workers). | Workers are entitled to carry forward unused paid sick time and shall continue to accrue paid sick time, but employers aren't required to allow use of more than 24 hours (from 1/1/2017 to 12/31/2018) or 40 hours (after 12/31/2018) a year. However, employers are not required to carry it forward if they choose to pay a worker for unused paid sick time at the end of the year. If an employer offers a paid time off (PTO) policy or is party to a CBA that provides at least the full amount of PTO required by the paid sick time law at the beginning of each year and it can be used for the law's purposes at any time during the year, it shall not carry forward. | Workers are entitled to carry forward unused paid sick time, but employers aren't required to allow annual accrual or use of more than: 40 hours of paid sick time a year (for businesses with 15 or more workers); or 24 hours of paid sick time a year (for businesses with fewer than 15 workers). In lieu of carryover of unused earned paid sick time from one year to the next, an employer may pay a worker for unused paid sick time at the end of a year and provide the worker with an amount of paid sick time that meets or exceeds the law's requirements that is available for the worker's immediate use at the beginning of the subsequent year. | Workers are entitled to carry forward unused paid sick time, except that an employer is not required to allow a worker to carry over paid sick time in excess of 40 hours. | Workers are entitled to carry forward unused paid sick time, but employers aren't required to allow use of more than 24 hours of paid sick time in 2018, 32 hours of paid sick time in 2019, and 40 hours of paid sick time each year after 2019. In lieu of carryover of unused earned paid sick time from one year to the next, an employer may pay a worker for unused paid sick time at the end of a year and provide the worker with an amount of paid sick time that meets or exceeds the law's requirements that is available for the worker's immediate use at the beginning of the subsequent year. |
| Private Right of Action to go to Court? | No | The State Labor Commissioner or Attorney General may bring a civil action in Court against an employer or person violating the article. The law does not explicitly address whether a worker may bring a civil action in Court. | Yes, after filing with the Attorney General | Yes | Yes | Yes | Yes | Yes | Yes |
| Are there waivers/ exemptions for workers covered by a valid Collective Bargaining Agreement (CBA)? (See endnote 18.) | No specific language regarding waivers or exemptions for workers covered by a CBA | Construction industry workers covered by a CBA providing certain wage/hour/working conditions and expressly waiving the law's provisions in clear and unambiguous terms are exempted. Otherwise, workers covered by a CBA providing for comparable paid time off and certain wage/hour/working conditions are exempted. | No specific language regarding waivers or exemptions for workers covered by a CBA | The law exempts workers whose terms and conditions of employment are covered by a CBA if their employment-related benefits are provided by a joint multi-employer-employee trust or benefit plan and they are employed through a hiring hall or similar referral system operated by the labor organization or third party. | The law's paid sick time requirements won't apply to workers in the building/construction industry covered by a CBA that expressly waives the requirements in clear and unambiguous terms. Otherwise, the law's paid sick time requirements can't be waived in the written terms of a CBA for less than 3 paid leave days. | No specific waivers or exemptions for workers covered by a CBA | All or any part of the law doesn't apply to workers covered by a CBA to the extent that the CBA explicitly waives the requirements in clear and unambiguous terms. | No specific waivers or exemptions for workers covered by a CBA | No (although the law exempts construction workers covered by a CBA until July 1, 2018, that is the same day the law goes into effect) |
| What Agency or Official Enforces the Law? | The Connecticut Department of Labor | The California Labor Commissioner's Office, also known as the California Division of Labor Standards Enforcement (DLSE) | The Massachusetts Attorney General | The Oregon Bureau of Labor and Industries | Washington D.C. Department of Employment Services | Vermont Department of Labor | Industrial Commission of Arizona | Washington Department of Labor and Industries | The Rhode Island Department of Labor and Training |
| For the statewide paid sick time laws: can cities in the state pass paid sick time laws that are | Not explicitly addressed in the paid sick time law | Yes. The CA law does not preempt or limit other laws/policies that provide greater | Not explicitly addressed in the paid sick time law | No. The Oregon law preempts—or prohibits—cities from passing their own paid sick time laws. | N/A | Not explicitly addressed in the paid sick time law | Yes (under litigation) | Yes | No. The Rhode Island law preempts—or prohibits—cities from requiring employers to |



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| broader than the state law? | earning or use of paid sick time. Therefore, the more expansive San Francisco, Oakland, San Diego, Emeryville, Santa Monica, Los Angeles, and Berkeley paid sick time laws will still apply to workers covered by those laws, and other cities in CA may continue to pass broader paid sick time laws. | However, in response to Portland's more generous paid sick time law (in effect when the state bill was passed), the statewide paid sick time law requires that employers located in Portland with at least 6 workers (anywhere in Oregon) must provide paid sick time to their workers. | provide sick time benefits in excess of those required by the state law. |
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| Local Paid Sick Time Laws in California | | | | | | | |
|--|---|--|--|--|---|--|--|
| | San Francisco | Oakland | Emeryville | Santa Monica | San Diego ⁷ | Los Angeles | Berkeley ⁸ |
| Who is covered? | Workers employed within the geographic boundaries of San Francisco are covered. | Workers who, in a particular week, perform at least 2 hours of work within the geographic boundaries of Oakland and who are entitled to minimum wage under California law are covered. | Workers who, in a calendar week, perform at least 2 hours of work within the geographic boundaries of Emeryville and who are entitled to minimum wage under California law are covered. | Workers who, in a calendar week, perform at least 2 hours of work within the geographic boundaries of Santa Monica and who are entitled to minimum wage under California law are covered. Government and school district employees are exempted. | Workers who, in at least one calendar week of the year, perform at least 2 hours of work within San Diego are covered. Independent contractors, certain workers authorized under State law to be paid less than the minimum wage, certain providers of in-home supportive services under State law, workers employed under a publicly subsidized summer or short-term youth employment program, or any student employee, camp or program counselor of an organized camp under State law are exempted. | Workers who, in a particular week, perform at least 2 hours of work within the geographic boundaries of Los Angeles and who are entitled to minimum wage under California law are covered. To be entitled to paid sick time, workers must also work in Los Angeles—on or after July 1, 2016—for the same employer for 30 days or more within a year from the commencement of employment. | Workers who, in a particular week, perform at least 2 hours of work within the geographic boundaries of Berkeley and who are either entitled to minimum wage under California law. |
| Can paid sick time be used to care for loved ones? | Yes: children; parents; grandchildren; grandparents; spouses; registered domestic partners; siblings; and if a worker has no spouse/domestic partner, a designated person of the worker's choice. As of January 1, 2017, the parents of a spouse/domestic partner will also be covered. | Yes: children; parents; grandchildren; grand-parents; spouses; registered domestic partners; siblings; and, if a worker has no spouse/domestic partner, a designated person of worker's choice | Yes: children; parents; grandchildren; grandparents; spouses; registered domestic partners; parents of a spouse or domestic partner; siblings; and, if a worker has no spouse/domestic partner, a designated person of the worker's choice. Paid sick time can also be used to care for a guide dog, signal dog, or service dog of the worker or worker's family member or designated partner. | Yes: children; parents; grand-children; grand-parents; spouses; registered domestic partners; parents of a spouse or domestic partner; and siblings | Yes: children; parents; grandchildren; grandparents; spouses; domestic partners (registered under state/local law or with the internal registry of at least one partner's employer); parents of a spouse/domestic partner; and siblings | Yes: children; parents; grandchildren; grandparents; spouses; registered domestic partners; parents of a spouse or domestic partner; siblings; and any individual related by blood or affinity whose close association with the worker is the equivalent of a family relationship | Yes: children; parents; grandchildren; grand-parents; spouses; registered domestic partners; siblings; and, if a worker has no spouse/domestic partner, a designated person of worker's choice |
| How is "child" defined? | Legal guardians or wards; children from biological, adoptive, foster care, and step-relationships; children of a domestic partner; or the child of a worker standing in loco parentis to the child | Legal guardians or wards; children from biological, adoptive, foster care, and step-relationships; children of a domestic partner; or the child of a worker standing in loco parentis to the child | Biological, adopted, or foster child, stepchild, legal ward, or the child of a worker standing in loco parentis to the child | Biological, adopted, or foster child, stepchild, legal ward, or the child of a worker standing in loco parentis to the child | Biological, adopted, or foster child; stepchild; child of a domestic partner; legal ward; or the child of a worker standing in loco parentis to the child | Biological, adopted, or foster child, stepchild, legal ward, or the child of a worker standing in loco parentis to the child | Legal guardians or wards; children from biological, adoptive, foster care, and step-relationships; children of a domestic partner; or the child of a worker standing in loco parentis to the child |
| Can paid sick time be used for specific "safe time" purposes (related to domestic violence, sexual assault, or stalking)? (See endnote 16.) | Yes, but only as of January 1, 2017, and only when the worker is the victim. | No, not beyond what is provided under the State's paid sick time law. | No, not beyond what is provided under the State's paid sick time law. | Yes, but only when the worker is the victim. | Yes, when the worker or the worker's family member is the victim. | Yes, but only when the worker is the victim. | No, not beyond what is provided under the State's paid sick time law. |
| Can paid sick time be used when a worker's place of work or child's school/place of care is closed by public health officials for a public health emergency? | No. | No. | No. | No. | Yes. | No. | No. |
| Rate at which workers earn paid sick time? | 1 hour for every 30 hours worked | 1 hour for every 30 hours worked | 1 hour for every 30 hours worked | 1 hour for every 30 hours worked | 1 hour for every 30 hours worked | 1 hour for every 30 hours worked | 1 hour for every 30 hours worked |
| Amount of paid sick time that can be earned under the law per year? (Note: All of these paid sick time laws make it clear that these laws establish a <i>minimum</i> requirement, and employers can provide greater or more generous paid sick time benefits to their workers.) | Workers in businesses with 10 or more workers: up to 72 hours. Workers in businesses with fewer than 10 workers: up to 40 hours ⁹ | Workers in businesses with 10 or more workers: up to 72 hours. Workers in businesses with fewer than 10 workers: up to 40 hours ⁹ | Workers in businesses with more than 55 workers: up to 72 hours. Workers in businesses with 55 or fewer workers: up to 48 hours ⁹ | Workers in businesses with 26 or more workers: up to 40 hours (from 1/1/2017 to 12/31/2017) or 72 hours (after 12/31/2017) a year. Workers in businesses with 25 or fewer workers: up to 32 hours (from 1/1/2017 to 12/31/2017) or 40 hours (after 12/31/2017) a year. | Employers may cap the amount of paid sick time a worker <i>earns</i> at 80 hours. Employers may also cap the amount of paid sick time a worker can <i>use each year</i> at 40 hours. | Up to 48 hours a year | Workers in businesses with 25 or more workers: up to 72 hours. Workers in businesses with fewer than 25 workers: up to 48 hours |

| | San Francisco | Oakland | Emeryville | Santa Monica | San Diego ⁷ | Los Angeles | Berkeley ⁸ |
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| When do workers begin to earn paid sick time? | 90 calendar days after the commencement of employment. For workers hired on or after January 1, 2017, paid sick time begins to accrue at the commencement of employment, but workers aren't entitled to use paid sick time until the 90 th day of employment. | On the first day of employment, but workers aren't entitled to use paid sick time until after 90 calendar days of employment. | Although not explicitly stated in the law and future regulations may address it, paid sick time will likely be earned in the same manner as the State's paid sick time law: workers begin to earn paid sick time at the commencement of employment, but aren't entitled to use paid sick time until the 90th day of employment. | At the commencement of a worker's employment with the employer, but workers aren't entitled to use paid sick time until after the first 90 days of employment (or sooner if provided for in the employer's policies). | At the commencement of employment or July 11, 2016, whichever is later, but workers aren't entitled to use paid sick time until 90 calendar days following the commencement of employment or on July 11, 2016, whichever is later. | On the first day of employment or July 1, 2016, whichever is later. A worker is entitled to <i>use</i> paid sick time beginning on the 90th day of employment or July 1, 2016, whichever is later. As noted earlier, the law covers a worker when the worker, on or after July 1, 2016, works in Los Angeles for the same employer for 30 days or more within a year from the commencement of employment. | On the first day of employment or October 1, 2017, whichever is later, but workers aren't entitled to use paid sick time until 90 calendar days after commencement of employment. |
| Does unused paid sick time carry forward to the subsequent year? | Workers are entitled to carry forward 72 hours of unused paid sick time (in businesses with 10 or more workers) or 40 hours of unused paid sick time (in businesses with fewer than 10 workers), but employers are not required to allow workers to earn more than these 72-hour or 40-hour caps. | Workers are entitled to carry forward 72 hours of unused paid sick time (in businesses with 10 or more workers) or 40 hours of unused paid sick time (in businesses with fewer than 10 workers), but employers are not required to allow workers to earn more than these 72-hour or 40-hour caps. | Workers are entitled to carry forward 72 hours of unused paid sick time (in businesses with more than 55 workers) or 48 hours of unused paid sick time (in businesses with 55 or fewer workers), but employers are not required to allow workers to earn more than these 72-hour or 48-hour caps. | Workers are entitled to carry forward unused paid sick time to the following year, until their paid sick time reaches the annual caps described in the chart on the prior page (depending on business size and year). Carry forward is not required if the full amount of paid sick time required by the law is received by the worker at the beginning of each year (calendar year, fiscal year, or year of employment). | Workers are entitled to carry forward unused paid sick time. An employer may satisfy the law's carry-over provisions if the employer provides a worker with at least 40 hours of paid sick time at the beginning of each benefit year, regardless of whether the employee is full-time, part-time, or temporary. | Workers are entitled to carry forward unused paid sick time to the following year, but employers may cap it at 72 hours. | Workers are entitled to carry forward unused paid sick time. However, employers with fewer than 25 workers may limit <i>use</i> of paid sick time to 48 hours per year; larger employers may not limit the <i>use</i> of paid sick time (only the <i>accrual</i> , or amount <i>earned</i> , as described earlier). |
| Private Right of Action to go to Court? | Yes. | Yes. | Yes. | Yes. | Yes. | Yes. | Yes. |
| Are there waivers/ exemptions for workers covered by a valid Collective Bargaining Agreement (CBA)? (See endnote 18.) | Workers covered by a CBA may waive all or part of the law to the extent that the CBA sets forth the waiver in clear and unambiguous terms. | Workers covered by a CBA may waive all or part of the law to the extent that the CBA sets forth the waiver in clear and unambiguous terms. | All or any portion of the law doesn't apply to workers covered by a CBA to the extent that the CBA explicitly waives the requirements in clear and unambiguous terms showing that the parties intend the waiver. | All or any part of the law doesn't apply to workers covered by a CBA to the extent that the CBA explicitly waives the requirements in clear and unambiguous terms. | No specific language regarding waivers or exemptions for workers covered by a CBA. | No specific language regarding waivers or exemptions for workers covered by a CBA. | Workers covered by a CBA may waive all or part of the law to the extent that the CBA sets forth the waiver in clear and unambiguous terms. |
| What Agency or Official Enforces the Law? | San Francisco Office of Labor Standards Enforcement | No particular agency specified in the law. The Contracts and Compliance Division of the City Administrator's Office has been authorized to take complaints. | No specific agency authorized. The City itself has authority under the law to issue rules and regulations, as well as to enforce the law through administrative citations and/or remedies. | The Santa Monica Finance Director is authorized to adopt administrative regulations consistent with the law. | San Diego's Office of the City Treasurer (although the Mayor may designate another office/department under the Mayor's authority) | Los Angeles Office of Wage Standards (within the Department of Public Works' Bureau of Contract Administration) | No particular agency specified in the law (although the separate minimum wage law passed at the same time will be enforced by the Berkeley Department of Finance or other city department/agency as designated by the City by resolution). |

III. County and City Paid Sick Time Laws (Other than the Local California Laws in Section II)

| | Montgomery County, Maryland | Cook County <i>and</i> Chicago, IL ⁹ | Seattle, WA | New York City, NY ¹⁰ | Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, Elizabeth, Plainfield <i>and</i> Morristown, NJ ¹¹ | Tacoma, WA ¹² | Spokane, WA ¹³ | Philadelphia, PA | Pittsburgh, PA ¹⁴ | Minneapolis, MN | Saint Paul, MN ¹⁵ |
|------------------------|---|---|--|---|--|--|---|--|--|--|---|
| Who is covered? | Workers employed in Montgomery County are covered, but they must regularly work more than 8 hours each week. Independent contractors are exempted. Workers are also exempted if <i>all</i> of the following apply: 1) they don't have a regular work schedule with the employer; 2) they contact the employer for work assignments and are scheduled to work those assignments within 48 hours later; 3) they have no obligation to work for the employer if they don't contact the employer for assignments; and 4) they're not employed by a temporary | <i>Cook County:</i> Workers in Cook County who work at least 80 hours for an employer within any 120-day period are covered. Workers employed by a unit of local government are exempted. ⁵ <i>Chicago:</i> Workers in Chicago who work at least 80 hours for an employer within any 120-day period are covered. Minors, certain public/city agency employees, and participants of certain subsidized temporary youth and/or transitional employment programs are exempted. ¹⁴ | Workers employed by a business with more than 4 workers, if they perform more than 240 hours of work in Seattle within a calendar year, are covered. Work-study students are exempted. | Workers who have worked within NYC for more than 80 hours in a calendar year are covered. Domestic workers will receive some paid sick time. Work-study students, certain hourly speech/physical/occupational therapists, independent contractors, and government employees are exempted. | Workers employed in the relevant city (Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, Elizabeth, Plainfield, or Morristown) for at least 80 hours in a year are covered. Workers employed by any government or a New Jersey School District or Board of Education are exempted. In Newark and Jersey City, workers employed by Rutgers and its subdivisions are exempted. | Workers employed in Tacoma are covered, as long as there is a reasonable expectation that they will perform work in Tacoma for more than 80 hours within a benefit year. Independent contractors, single-person businesses, and Federal government workers are exempted. | Workers employed in Spokane for more than 240 hours a year are covered. Work-study students (under a state/federal program), those employed by certain firms engaged in construction work, seasonal workers (expected employment of less than 1 year and which is intermittent/recurring annually), independent contractors, domestic workers (those individuals employed as a domestic servant in a private home by an employer with less than 2 employees regularly employed 40 or more hours per week; or a person employed to do gardening, maintenance, or repair at the | Workers employed in Philadelphia for at least 40 hours in a calendar year are covered. The following workers are exempted: independent contractors; seasonal workers (hired for a temporary period of not more than 16 weeks a year); adjunct professors; interns (students working for the institution where enrolled); workers hired for a term of less than 6 months; and health care professionals who only work when indicating they are available and have no obligation to work when they do not indicate availability. | Workers employed in Pittsburgh are covered. Independent contractors and seasonal workers (those hired for a temporary period of not more than 16 weeks and given written notification at time of hire that employment is limited to beginning/end of seasonal dates as determined by employer) are exempted. | Workers who perform work for an employer within Minneapolis for at least 80 hours in a year for that employer are covered. Independent contractors are exempted. | Workers who perform work for an employer within Saint Paul for at least 80 hours in a year for that employer are covered. Independent contractors are exempted. |

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| | placement agency. | | | | | | employer's private home), and government workers are exempted. | | | | |
| | Montgomery County, Maryland | Cook County and Chicago, IL⁹ | Seattle, WA | New York City, NY¹⁰ | Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, Elizabeth, Plainfield and Morristown, NJ¹¹ | Tacoma, WA¹² | Spokane, WA¹³ | Philadelphia, PA | Pittsburgh, PA¹⁴ | Minneapolis, MN | Saint Paul, MN¹⁵ |
| Can sick time be used to care for loved ones? | Yes: children; parents and legal guardians of the worker; spouses; grandparents; the spouse of a grandparent; grandchildren; siblings; and the spouse of a sibling | Yes: children; legal guardians or wards; spouses; domestic partners (including parties to a civil union); parents; parents of a spouse or domestic partner; grandparents; grandchildren; siblings; or any other individual related by blood or whose close association with the worker is the equivalent of a family relationship | Yes: children; parents; parents-in-law; grandparents; spouses; and registered domestic partners | Yes: children; spouses; registered domestic partners; parents; grandchildren; grandparents; siblings; and the children or parents of a spouse or domestic partner. Beginning on May 5, 2018, sick time can also be used to care for any other individual related by blood or whose close association with the worker is the equivalent of a family relationship. | Yes: children; parents; parents of a spouse or domestic/civil union partner; spouses; domestic/civil union partners; grandchildren; grandparents; the spouse or domestic/civil union partner of a grandparent; and siblings | Yes: children; parents; grandparents; grandchildren; siblings; spouses; and domestic partners (local or state registries) | Yes: spouses; domestic partners; children; grandchildren; parents; and grandparents | Yes: children; parents; parents-in-law; spouses; grandparents; the spouse of a grandparent; grandchildren; siblings; the spouse of a sibling; and a life partner (a long-term committed relationship between two unmarried individuals of the same sex or gender identity who meet certain, specified requirements) | Yes: children; parents; parents of a spouse or domestic partner; spouses; domestic partners; grandchildren; grandparents; the spouse or domestic partner of a grandparent; siblings; and any individual for whom the worker received oral permission from the employer to care for at the time of the worker's request to make use of sick time | Yes: children; parents; parents-in-law; spouses; registered domestic partners; grandchildren; grandparents; siblings; and members of the worker's household | Yes: children; parents; parents-in-law; spouses; registered domestic partners; grandchildren; grandparents; siblings; and any individual related by blood or affinity whose close association with the worker is the equivalent of a family relationship |
| How is "child" defined? | Biological, adopted, or foster child; stepchild; child for whom the worker has legal or physical custody or guardianship; child for whom the worker is the primary caregiver | Biological, foster, or adopted children, stepchildren, legal guardians or wards, or a child to whom the worker stands in loco parentis | Biological, adopted or foster children, stepchildren, legal wards, or the child of a worker standing in loco parentis. The child must be under 18 or 18 years of age and older but incapable of self-care because of a mental/physical disability | Biological, adopted, or foster children, legal wards, or the child of a worker standing in loco parentis to the child | Biological, adopted, or foster children, stepchildren, legal wards, children of a domestic partner or civil union partner, child of a worker standing in loco parentis to the child | Biological, adopted or foster children, stepchildren, legal wards, or a child to whom the worker stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status. | Children who are under 18 years of age, or 18 or older but incapable of self-care because of a mental/physical disability | Biological, adopted or foster children, stepchildren, legal wards, or the child of a worker standing in loco parentis to the child | Biological, adopted, or foster child, stepchild, legal ward, or child of a worker standing in loco parentis to the child | Biological, adopted, or foster child, stepchild, guardian, or ward | Biological, adopted, or foster child, or a stepchild. |
| Are specific "safe time" purposes included? (See endnote 16.) | Yes, when the worker or the worker's family member is the victim | Yes, when the worker or the worker's family member is the victim | Yes, when the worker or the worker's family member is the victim | Yes, beginning on May 5, 2018, when the worker or the worker's family member is the victim | No | Yes, when the worker or the worker's family member (for safe time purposes, also includes a parent-in-law or a person with whom the worker has a dating relationship, per Washington State law) is the victim. | Yes, when the worker or worker's family member (child, spouse, parent, parent-in-law, grandparent, or person with whom the worker has a dating relationship) is the victim | Yes, when the worker or the worker's family member is the victim | No | Yes, when the worker or the worker's family member is the victim | Yes, when the worker or the worker's family member is the victim |
| Can sick time be used when a worker's place of work or child's school/place of care is closed by public health officials for a public health emergency? | Yes. | Yes. | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes. Also includes need to care for family member whose school/place of care is closed due to inclement weather, loss of power/heating/water, or other unexpected closure. | Yes. Also includes need to care for family member whose school/place of care is closed due to inclement weather, loss of power/heating/ water, or other unexpected closure. |
| Can sick time be used under the law to bond with a new child and/or deal with a family member's death? (See endnote 17.) | No. | If a worker is subject to the federal Family and Medical Leave Act (FMLA), s/he may carry forward up to 40 hours of unused paid sick time to be used for leave covered by the FMLA, which includes bonding with a new child (as well as certain military family needs). Paid sick time can't be used to deal with a family member's death. | No | No | No | Paid sick time can be used to deal with a family member's death. | Paid sick time can be used to deal with a family member's death. | No | No | No | No |
| Rate at which workers earn paid sick time? | 1 hour for every 30 hours worked (for both paid and unpaid sick time, as described below) | 1 hour for every 40 hours worked | In businesses with 250 or more workers, 1 hour for every 30 hours worked. In businesses with more than 4 and fewer than 250 workers, 1 hour for every 40 hours worked | 1 hour for every 30 hours worked (for both paid and unpaid sick time, as described below) | 1 hour for every 30 hours worked | 1 hour for every 40 hours worked | 1 hour for every 30 hours worked | 1 hour for every 40 hours worked (for both paid and unpaid sick time, as described below) | 1 hour for every 35 hours worked | 1 hour for every 30 hours worked (for both paid and unpaid sick time, as described below) | 1 hour for every 30 hours worked |

| | Montgomery County, Maryland | Cook County <i>and</i> Chicago, IL ⁹ | Seattle, WA | New York City, NY ¹⁰ | Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, Elizabeth, Plainfield <i>and</i> Morristown, NJ ¹¹ | Tacoma, WA ¹² | Spokane, WA ¹³ | Philadelphia, PA | Pittsburgh, PA ¹⁴ | Minneapolis, MN | Saint Paul, MN ¹⁵ |
|---|---|--|---|---|---|--|--|---|---|--|--|
| Amount of paid sick time that can be earned under the law per year? (Note: All of these paid sick time laws make it clear that these laws establish a minimum requirement, and employers can provide greater or more generous paid sick time benefits to their workers.) | Workers in businesses with 5 or more workers: up to 56 hours a year. Workers in businesses with fewer than 5 workers: up to 32 hours of <i>paid</i> sick time and 24 hours of <i>unpaid</i> sick time. | Up to 40 hours a year | There is no limit on how much workers can <i>earn</i> , but workers can only <i>use</i> the following amounts of paid sick time a year: Tier 1 (workers in businesses with more than 4 but fewer than 50 full-time workers or full-time equivalents—FTEs): up to 40 hours. Tier 2 (workers in businesses with 50 to fewer than 250 full-time workers or FTEs): up to 56 hours. Tier 3 (workers in businesses with 250 or more full-time workers or FTEs): up to 72 hours, or up to 108 hours if the employer has a universal paid time off policy. | Workers in businesses with 5 or more workers: up to 40 hours a year. Workers in businesses with fewer than 5 workers up to 40 hours of <i>unpaid</i> sick time a year. All workers in certain chain businesses or franchises will be counted together to determine size. | Workers in businesses with 10 or more workers (and all child care, home health care, and food service workers, regardless of the size of their employer): up to 40 hours a year. Workers in businesses with fewer than 10 workers: up to 24 hours a year. | No explicit cap on how much sick time can be earned or used in a year. However, as described below, employers are not required to allow a worker to carry over more than 40 hours of unused paid sick time a year. | There is no explicit limit on how much workers can <i>earn</i> , but workers can only <i>use</i> the following amounts of earned paid sick time a year: Workers in businesses with 10 or more workers: up to 40 hours a year. Workers in businesses with fewer than 10 workers: up to 24 hours | Workers in businesses with 10 or more workers: up to 40 hours a year. Workers in businesses with fewer than 10 workers: up to 24 hours of <i>unpaid</i> sick time a year. Certain chain establishments must provide paid sick time regardless of the number of workers in an establishment. | Workers in businesses with 15 or more workers: up to 40 hours a year. Workers in businesses with fewer than 15 workers: up to 24 hours a year, <i>although in the first year after the law goes into effect, this time will be unpaid</i> (thereafter it will be 24 hours of <i>paid</i> sick time a year for workers in these small businesses). | Workers in businesses with 6 or more workers: up to 48 hours a year. Workers in businesses with 5 or fewer workers: up to 48 hours of <i>unpaid</i> sick time a year. New employers, other than certain chain businesses, only have to provide <i>unpaid</i> sick time in their first 12 months after hiring their first worker (this “new business” provision only applies for 5 years after the law’s effective date). | Up to 48 hours a year. New employers only have to provide <i>unpaid</i> sick time in their first 6 months after hiring their first worker (this “new business” provision only applies until January 1, 2023). |
| When do workers begin to earn paid sick time? | At the commencement of employment, or October 1, 2016, whichever is later, but workers can be required to wait 90 days before using their sick time. | On the first calendar day after the worker commences employment or July 1, 2017, whichever is later, but workers can be required to wait to use accrued paid sick time for up to 180 calendar days after commencement of employment. | At the commencement of employment, but workers aren’t entitled to use paid sick time until the 180th calendar day after employment commenced. | At the commencement of employment, but workers aren’t entitled to use sick time until the 120th calendar day following commencement of employment. | On the first day of employment, but workers aren’t entitled to use paid sick time until the 90th calendar day of employment (except Plainfield, which is the 100th calendar day of employment). | At the commencement of employment, but workers aren’t entitled to use paid sick time until the 90th calendar day after employment commenced. | On the first day of employment, but employers can require workers to wait up to 90 days after employment begins before using paid sick time. | At the commencement of employment, but workers aren’t entitled to use sick time until after 90 calendar days of employment. | At the commencement of employment or the law’s effective date, whichever is later, but workers aren’t entitled to use sick time until the 90th calendar day after employment commenced. | At the commencement of employment or the law’s effective date, whichever is later, but workers aren’t entitled to use sick time until the 90th calendar day after commencement of employment. | At the commencement of employment or the law’s effective date, whichever is later, but workers aren’t entitled to use sick time until the 90th calendar day after commencement of employment. |
| Does unused sick time carry forward to the subsequent year? | Workers are entitled to carry forward up to 56 hours of unused sick time and <i>may use up to 80 hours of sick time a year when they have sick time that is carried forward</i> . However, employers are not required to allow carry forward if, at the beginning of the new year, they award the full amount of sick time that the worker would earn over that year. | Workers are entitled to carry forward half of their unused paid sick time, up to a maximum of 20 hours, but employers aren’t required to allow use of more than 40 hours of paid sick time a year. However, as described earlier in this chart, workers subject to the FMLA may carry forward up to 40 hours of unused paid sick time for FMLA purposes. | Workers are entitled to carry forward the following amount of unused paid sick time: Tier 1 : up to 40 hours; Tier 2 : up to 56 hours; Tier 3 : up to 72 hours (or up to 108 hours if the employer has a universal paid time off policy). Employers aren’t required to allow <i>use</i> of more time in a year than as outlined above, according to business size. | Workers are entitled to carry forward up to 40 hours of unused sick time, but employers aren’t required to allow use of more than 40 hours of sick time a year. Carry forward is not required if a worker is paid for unused sick time at the end of the year <i>and</i> the employer provides the worker with an amount of paid sick time that meets or exceeds the law’s requirement on the first day of the subsequent year. | Workers are entitled to carry forward up to 40 hours of unused paid sick time, but employers aren’t required to allow use of more than 40 hours of paid sick time a year. In all of these cities <i>except Jersey City</i> , carry forward is not required if a worker is paid for any unused sick time at the end of the year in which it is earned. | Workers are entitled to carry forward 40 hours of unused paid sick time to the following benefit year. | Workers are entitled to carry forward up to 24 hours of unused paid sick time to the following year | Workers are entitled to carry forward unused sick time, but employers are not required to allow use of more than 40 hours of sick time per year. Carry forward isn’t required if the employer chooses to provide at least 40 hours of sick time at the beginning of each calendar year. | Workers are entitled to carry forward unused sick time, but employers aren’t required to allow use of more than 40 hours of paid sick time a year (for businesses with 15 or more workers) or more than 24 hours of sick time a year (for businesses with fewer workers). Carry forward is not required if the employer provides the worker with an amount of paid sick time that meets or exceeds the law’s requirement on the first day of the subsequent year. | Workers are entitled to carry forward unused sick time and shall continue to accrue sick time <i>up to a total of 80 hours at any time</i> . There is otherwise no limit on how much earned sick time can be used in a year. | Workers are entitled to carry forward unused paid sick time and shall continue to accrue paid sick time up to a total of 80 hours at any time. There is otherwise no explicit limit on how much paid sick time can be used in a year. Carry forward is not required if the employer provides at least 48 hours of paid sick time following the initial 90 days of employment during the first year and at least 80 hours beginning each subsequent year. |
| Are there waivers/exemptions for workers covered by a valid Collective Bargaining Agreement (CBA) or bargaining unit? (See endnote 18.) | No specific language regarding waivers or exemptions for workers covered by a CBA | Workers in the construction industry covered by a CBA are exempt. After July 1, 2017, the law’s effective date, the law’s requirements may be waived in a CBA if the waiver is set forth in clear and unambiguous terms. | The law’s provisions won’t apply to any workers covered by a CBA to the extent that the CBA expressly waives the requirements in clear and unambiguous terms. | The law’s provisions won’t apply to workers in the construction or grocery industry covered by CBA if the law’s provisions are expressly waived in the CBA. The law’s provisions won’t apply to other workers covered by a CBA if the provisions are expressly waived in the CBA <i>and</i> the CBA provides a comparable benefit. | Members of a construction union covered by a CBA are exempt. Otherwise, all or any part of the law’s requirements do not apply to workers covered by a CBA to the extent that the CBA expressly waives the requirements in clear and unambiguous terms. | The law’s provisions won’t apply to any workers covered by a CBA to the extent that the CBA expressly waives the requirements in clear and unambiguous terms. | No specific language regarding waivers or exemptions for workers covered by a CBA. | The law’s provisions do not apply to workers covered by a bona fide CBA. | Members of a construction union covered by a collective bargaining unit are exempt. | An employer may opt to satisfy the law for construction employees by paying at least the State prevailing wage <i>or</i> the rate required in an applicable registered apprenticeship agreement (regardless of whether working on private or public projects). | An employer may opt to satisfy the law for construction employees by paying at least the State prevailing wage <i>or</i> the rate required in an applicable registered apprenticeship agreement (regardless of whether working on private or public projects). |
| Private Right of Action to go to Court? | No | Yes | No | No | Yes | No | Possibly. The law requires the City Council and the Administration to jointly determine enforcement procedures, which must be in effect by October 1, 2016. | Yes. Can go directly to court in the first 120 days after May 13, 2015, the law’s effective date. After that, workers may go to Court only after receiving a final decision from the agency or 180 days after filing a complaint, whichever is earlier. | No | No | Yes |



the work and family legal center

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| | Montgomery County, Maryland | Cook County <i>and</i> Chicago, IL ⁹ | Seattle, WA | New York City, NY ¹⁰ | Newark, Passaic, East Orange, Paterson, Irvington, Trenton, Montclair, Bloomfield, Jersey City, Elizabeth, Plainfield <i>and</i> Morristown, NJ ¹¹ | Tacoma, WA ¹² | Spokane, WA ¹³ | Philadelphia, PA | Pittsburgh, PA ¹⁴ | Minneapolis, MN | Saint Paul, MN ¹⁵ |
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| What Agency or Official Enforces the Bill? | County Office of Human Rights. The County Executive may also delegate enforcement to a legally authorized State agency. | Cook County: Cook County Commission on Human Rights Chicago: Chicago Department of Business Affairs and Consumer Protection | Seattle Office for Civil Rights | New York City Department of Consumer Affairs | Newark: Newark Department of Child and Family Well-Being Passaic: Passaic Department of Human Services, Division of Health Irvington: Irvington Department of Neighborhood Services Plainfield: Plainfield Department of Administration and Finance, Division of Health & Social Services Morristown: Morristown Department of Administration The laws in: <u>East Orange</u> , <u>Paterson</u> , <u>Trenton</u> , <u>Montclair</u> , <u>Bloomfield</u> , <u>Jersey City</u> , and <u>Elizabeth</u> are enforced by the relevant city's Municipal Department of Health and Human Services | The Finance Director or his or her designee | City of Spokane Contract and Business Standards Compliance Office | The Philadelphia Managing Director's Office | The Office of the City Controller or a Department or entity designated by the Mayor's Office | Minneapolis Department of Civil Rights | Saint Paul Department of Human Rights and Equal Economic Opportunity |

¹ Please note that this chart does not provide an exhaustive overview of these state, county, and city paid sick time laws, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to a worker's specific circumstances or category of employment (such as welfare participants, for example). City paid sick time laws cannot cover state government workers, and neither city nor state paid sick time laws are able to cover federal government workers.

² California's statewide paid sick time law took effect in July 2015. On April 4, 2016, the Governor signed into law minimum wage legislation that also expanded the existing paid sick time law to cover providers of in-home supportive care, beginning July 1, 2018. For these newly covered domestic workers, paid sick time usage and carry forward will differ from what is described in this chart, and the law directs a workgroup to issue guidance in 2017; officials are also likely to issue related regulations prior to July 1, 2018. **The California statewide law explicitly states that it establishes minimum requirements on sick time and does not preempt or limit other laws or policies that provide for more favorable paid sick time rights to workers. Therefore, the more expansive San Francisco, Oakland, Emeryville, Santa Monica, Los Angeles, San Diego, and Berkeley paid sick time laws will still apply to workers covered by those laws, and other cities or counties in California may continue to pass broader paid sick time laws.**

³ Oregon's Legislature passed a statewide paid sick time law on June 12, 2015, and the law went into effect on January 1, 2016. The law preempts—or prohibits—local governments from passing paid sick time laws. As a result, Eugene's paid sick time law—passed in July 2014 and originally scheduled to go into effect on July 1, 2015—did not take effect. On the other hand, Portland passed a paid sick time law in March 2013, and it went into effect on January 1, 2014, prior to passage of the statewide law. Although Oregon's paid sick time law blocked localities from passing paid sick time laws and preempted Portland's law, the Portland law influenced a key provision of the statewide law. As described in this chart, the employer size threshold for providing paid sick time is lower for employers who are located in Portland (including maintenance of any office, store, restaurant, or establishment in the city). As described in the chart, an employer located in Portland that employs at least six workers anywhere in Oregon must provide its workers with paid sick time, and smaller employers located in Portland must provide unpaid sick time. For employers who are not located in Portland, the size threshold for providing paid sick time is 10 or more workers (with smaller employers providing unpaid sick time). Eugene and Portland have been removed from this comparison chart.

⁴ On February 17, 2016, the Vermont Legislature provided final passage of a paid sick time bill, and the Governor signed it into law on March 9, 2016. With the exception of provisions around small business planning/implementation assistance and a business survey that took effect earlier, Vermont's paid sick time law became effective for employers with more than 5 workers (employed for an average of no less than 30 hours per week) on January 1, 2017; these employers could have required workers who existed on January 1, 2017 to wait up to December 31, 2017 before *using* paid sick time accrued during this first year. An employer with 5 or fewer workers (employed for an average of no less than 30 hours per week) became subject to the paid sick time law on January 1, 2018; these employers may require workers who existed on January 1, 2018 to wait up to December 31, 2018 before *using* paid sick time accrued during this first year. Also, as described in the chart, new businesses will not be subject to the paid sick time law for a period of one year after hiring their first worker.

⁵ Washington State voters overwhelmingly approved a paid sick time law on November 8, 2016. The law took effect on January 1, 2017, and the right to begin earning paid sick time began on January 1, 2018. **The statewide law in Washington explicitly states that it establishes minimum requirements on sick time and does not preempt or limit other laws or policies that provide for greater accrual or use of paid sick time. Therefore, the local paid sick time laws in Seattle, Spokane, Tacoma, and SeaTac (described in part IV below) remain in effect, and other localities in Washington may continue to pass broader paid sick time laws.**

⁶ Rhode Island's Legislature passed a statewide paid sick and safe time bill on September 19, 2017, and the Governor signed it into law on September 28, 2017. Workers will begin earning paid sick and safe time on July 1, 2018.

⁷ In July 2014, the San Diego City Council passed a paid sick time and minimum wage ordinance and then voted to override the mayor's veto of the ordinance on August 18, 2014. However, opponents collected signatures to put the paid sick time and minimum wage ordinance to a vote in a June 2016 referendum, and the law was delayed from going into effect. On June 7, 2016, voters in San Diego approved the paid sick time and minimum wage ordinance. The law went into effect on July 11, 2016. An implementing ordinance that made some amendments was passed by the Council and later approved by the Mayor on August 3, 2016. The implementing ordinance took effect on September 2, 2016.

⁸ On August 31, 2016, the Berkeley City Council unanimously passed a paid sick time ordinance, which was signed by the Mayor the following day. As described in greater detail in the chart, workers will begin earning paid sick time under the Berkeley law beginning on October 1, 2017.

⁹ The Chicago City Council unanimously adopted a paid sick time law, with the Mayor's support, on June 22, 2016. In addition to the description of covered workers in the chart, note that the Chicago law exempts certain categories of short-term, temporary, or irregularly employed individuals who are not subject to the city's minimum wage law—and who likely would not be employed for long enough to earn and then use sick time under the law (for example, certain day/temporary laborers, certain seasonal camp counselors, and certain learners as designated by the State Department of Labor). Also, workers who, in any 2-week period, perform fewer than 2 hours of work while physically present within Chicago are exempted. Following the passage of Chicago's law, the Cook County Board of Commissioners approved a paid sick time law on October 5, 2016. In addition to the information in the chart, please note as well that the following workers are not covered by the Cook County Law: workers who, in any 2-week period, perform fewer than 2 hours of work while physically present within Cook County; and workers who are employed in municipalities within Cook County that have opted out of the law.

¹⁰ On October 17, 2017, the New York City Council passed an ordinance amending its sick time law to 1) allow workers to use earned sick time for "safe time" purposes (see endnote 16, below), when the worker or the worker's family member has been the victim of a family offense matter, sexual offense, stalking, or human trafficking; and 2) allow workers to use earned sick time (and safe time) to care for any individual whose close association with the worker is the equivalent of a family relationship. The Mayor signed the ordinance into law on November 6, 2017. It will take effect on May 5, 2018.

¹¹ All of the local paid sick time laws in New Jersey are now in effect. In December 2015, the city of New Brunswick passed a narrower paid sick and safe time law that departs from the more comprehensive laws in the other 11 New Jersey cities listed in the chart. In covered businesses with 10 or more workers: full-time workers (averaging 35 hours/week) are entitled to earn up to 40 hours of paid sick/safe time per year, while part-time workers (averaging 20-35 hours/week) are entitled to earn up to 24 hours. In covered businesses with more than 5 full-time equivalent workers but fewer than 10 workers, workers are entitled to earn up to 24 hours a week. However, the law excludes all workers employed for an average of less than 20 hours per week. The law also exempts all government and board of education workers, independent contractors, individuals who work from home, and certain "per diem" hospital workers who work on a flexible, "as needed" basis to cover for other absent hospital workers. The New Brunswick law is now in effect. For more, go to: <http://thecityofnewbrunswick.org/planninganddevelopment/paid-sick-safe-time-in-new-brunswick/>

¹² On September 26, 2017, the Tacoma City Council adopted an ordinance amending its paid sick time law to align with the minimum requirements of Washington State's paid sick time law, which took effect on January 1, 2018.

¹³ On January 11, 2016, the Spokane City Council passed a paid sick time law by a vote of 6-1. The Council then passed the bill into law over the Mayor's veto on January 25, 2016. However, businesses that received their first business registration in Spokane after the enactment of the law—but before the law's effective date of January 1, 2017—are not subject to the law until 1 year after the date of their first business registration.

¹⁴ On August 3, 2015, the Pittsburgh City Council passed a paid sick time law by a vote of 7-1. Although lower courts ruled against the law *based on a unique provision in Pennsylvania law*, the city is in the process of appealing the decision to the state's Supreme Court.

¹⁵ On September 7, 2016, the Saint Paul City Council unanimously passed a paid sick time ordinance. For employers with 24 or more workers, the law became effective July 1, 2017. For employers with 23 or fewer workers, the law became effective January 1, 2018.

¹⁶ "Safe time" refers to time off for purposes related to domestic violence, sexual assault or stalking (like the need for time off to obtain protective orders, relocate, etc.). Note that a victim of domestic violence, sexual abuse, or stalking can use sick time to attend to medical/preventive health issues like any other worker, and workers may use sick time related to the medical/preventive health issues of a family member. Also, some of these laws may only cover safe time if the domestic violence, sexual assault and/or stalking occurs between certain individuals (such as family members, household members, dating relationships, etc.).

¹⁷ Note: It is possible that other laws, such as the Family and Medical Leave Act or a state equivalent, could provide eligible workers with unpaid leave for these purposes.

¹⁸ All of these paid sick time laws include language making it clear that these laws establish a minimum requirement and employees can receive greater paid sick time rights through a contract, CBA, employment benefit plan, policy, standard, or other agreement.

IV. Additional Paid Sick Time Laws

On February 16, 2018, the City Council in Austin, Texas voted to pass a paid sick time ordinance covering private sector employees. On March 1, 2018, the City Council passed a resolution to effectively expand the ordinance to cover all City employees as well. Workers who have worked within the City of Austin for at least 80 hours in a calendar year are covered. Independent contractors and unpaid interns are exempted. Beginning on October 1, 2018, individuals who work for employers with more than 15 employees can earn up to 64 hours of paid sick time per year, while individuals who work for employers with 6 to 15 employees can earn up to 48 hours of paid sick time per year. Beginning on October 1, 2020, individuals who work for employers with 5 or fewer employees can also earn up to 48 hours of paid sick time per year. Sick time is accrued at a rate of 1 hour of paid sick time for every 30 hours worked. New employees can be required to wait 60 days before *using* sick time, if the employer establishes that the employee's term of employment is at least one year. However, workers can begin *accruing* paid sick time upon the commencement of their employment or on the applicable effective date, whichever is later. Workers can carry over to the following year unused earned sick time up to the applicable yearly cap. Earned sick time can be used to care for family members including an employee's spouse, child, parent, or any other individual related by blood or whose close association with the employee is the equivalent of a family relationship. Earned sick time can also be used for "safe time" purposes when the worker or the worker's family member is a victim of domestic violence, sexual assault, or stalking. Workers do not have a private right of action to file a lawsuit in court to redress violations of the law.

On January 12, 2018, the Maryland Legislature voted to override Governor Hogan's veto of a paid sick time bill passed by the Legislature in 2017. The right to begin earning paid sick time began on February 11, 2018. Workers who work for employers with at least 15 employees can earn up to 40 hours of paid sick time per year, at a rate of 1 hour of sick time for every 30 hours worked. Those who work for employers with fewer than 15 employees can earn the same amount of *unpaid*, job-protected sick time at the same rate. New employees can be required to wait 106 days before *using* sick time, though they begin accruing it as soon as they start working. Workers are entitled to carry forward up to 40 hours of unused sick time to the following year, but employers are allowed to cap the total amount of earned sick time accrued at 64 hours per year. Likewise, employers aren't required to allow use of more than 64 hours of sick time per year. Workers do not have a private right of action to file a civil action in court to redress violations of the law (although they may file a civil action to enforce an order issued by the enforcement agency). Earned sick time can be used to care for family members including children, parents, parents-in-law, legal guardians, spouses, grandparents, siblings, and any individual who acted as a parent or stood *in loco parentis* to the employee or the employee's spouse when the employee or the employee's spouse was a minor. Earned sick time can also be used for maternity or paternity leave, or for "safe time" purposes when the worker or the worker's family member is a victim of domestic violence, sexual assault, or stalking. All Maryland workers are covered except for the following: agricultural workers; realtors; workers under the age of 18; workers employed by a temporary services agency to provide temporary staffing services to another person; workers directly employed by an employment agency to provide part-time or temporary services to another person; workers that regularly work less than 12 hours per week; workers in the construction industry covered by a collective bargaining agreement waiving sick and safe leave in clear and unambiguous terms; workers that are on-call in the health or human services industry that can reject or accept a shift, not guaranteed to be called for work, and not employed by a temporary staffing agency.

In November 2013, voters in SeaTac, Washington passed a law that gives certain hospitality and transportation workers a variety of new labor rights, including the right to earn paid sick time (at a rate of 1 hour for every 40 hours worked). Covered employers are required to pay eligible workers a lump sum payment at the end of the calendar year equivalent to the compensation due for any unused compensated time. The law also raises the minimum wage for these workers, gives them a right to keep their tips, and requires hospitality and transportation employers to offer additional hours to part-time workers before they may hire new part-time staff.

In November 2012, the voters of Long Beach, California approved a measure to guarantee a living wage and paid sick time to certain hotel workers in the city. Under the law, hotels with 100 or more rooms are required to pay workers a minimum of \$13 an hour (adjusted for increases in the federal minimum wage or cost of living) and allow workers to earn a minimum of 5 paid sick days a year.

For more detailed information on the sick time laws and bills described in this document, see:

- A Better Balance's website at <http://www.abetterbalance.org/web/ourissues/sickleave>
- Connecticut: <http://www.ctdol.state.ct.us/wgwkstnd/SickLeave.htm>
- California: <http://www.dir.ca.gov/DLSE/ab1522.html>
- Massachusetts: <http://www.mass.gov/ago/doing-business-in-massachusetts/labor-laws-and-public-construction/earned-sick-time/>
- Oregon: <http://www.oregon.gov/BOLI/TA/pages/index.aspx>
- Washington D.C.: <http://does.dc.gov/service/wage-and-hour-compliance>
- San Francisco: <http://sfgsa.org/index.aspx?page=419>
- Oakland: <http://www2.oaklandnet.com/government/o/CityAdministration/d/MinimumWage/index.htm>
- Seattle: <http://www.seattle.gov/laborstandards/paid-sick-and-safe-time>
- New York City: <http://www.nyc.gov/PaidSickLeave> and A Better Balance's website: <http://www.abetterbalance.org/web/nycpaysick>
- Newark: <http://www.ci.newark.nj.us/government/departments/health-and-community-wellness/paid-sick-leave/>
- East Orange: <http://eastorange-nj.gov/earned-sick-time/>
- Trenton: <http://www.trentonnj.org/trentonpaysickleave>
- Montclair: http://www.montclairnjsa.org/index.php?option=com_content&view=category&layout=blog&id=341&Itemid=880
- Bloomfield: <http://www.bloomfieldtwpnj.com/main/press-release/bloomfield-first-nj-town-year-mandate-paid-sick-leave>
- Jersey City: <http://www.jerseycitynj.gov/business.aspx?id=13851>
- San Diego: <https://www.sandiego.gov/treasurer/minimum-wage-program>
- Tacoma: <http://www.cityoftacoma.org/cms/one.aspx?objectId=75860>
- Philadelphia: <http://www.phila.gov/MDO/Pages/PaidSickLeave.aspx>
- Emeryville: <http://www.ci.emeryville.ca.us/1024/Minimum-Wage-Ordinance>
- Spokane: <https://my.spokanecity.org/citycouncil/items-of-interest/sick-leave/>
- Santa Monica: https://www.smgov.net/departments/HED/Economic_Development/Minimum_Wage_Proposal.aspx
- Minneapolis: <http://www.minneapolismn.gov/sicktimeinfo/index.htm>
- Los Angeles: <http://wagesla.lacity.org/>
- Saint Paul: <https://www.stpaul.gov/departments/human-rights-equal-economic-opportunity/earned-sick-and-safe-time>
- SeaTac: <http://www.ci.seatac.wa.us/index.aspx?page=681>
- San Francisco Code Chapter 12W; D.C. Code § 32-131.01 et seq.; Seattle Code § 14.16.010 et seq.; Conn. Gen. Stat. § 31-57r et seq.; NYC Code § 20-911 et seq.; Jersey City Code § 3-350 et seq.; Newark Legislation File # 13-2010, Version 6; San Diego Municipal Code § 39.0101 et seq.; Cal. Lab. Code § 245 et seq.; Long Beach Code § 5.48.010 et seq.; Oakland Code § 5.92.010 et seq.; Massachusetts General Laws Chapter 149, §§ 148C, 148D; Tacoma Code § 18.10.010 et seq.; Philadelphia Code § 9-4101 et seq.; Or. Rev. Stat. §§ 653.256 et seq., 659A.885; Emeryville Code § 5-37.01 et seq.; Montgomery County Code Chapter 27, Article XIII; Pittsburgh Code § 626 et seq.; Spokane Municipal Code § 09.01.010 et seq.; 21 Vermont Statutes § 481 et seq.; Santa Monica Code § 4.62 et seq.; Minneapolis Code § 40.10 et seq.; Los Angeles Code § 187.00 et seq. and § 188.00 et seq.; San Diego Code § 39.0101 et seq.; Chicago Code § 1-24-010 et seq.; Berkeley Code § 13.100.010 et seq.; Saint Paul Code § 233.01 et seq.; Morristown Ordinance O-35-2016; Cook County Code § 42-1 et seq.; Ariz. Rev. Stat. § 23-364 and 23-371 et seq.; Washington Initiative No. 1433 (to be codified in Wash. Rev. Code Chapter 49.46).